

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN E. KOHLER,

Defendant.

**4:23CR3083**

**ORDER**

During the conference call held today, Defendant orally moved to file pretrial motions out of time. The government objects. Upon consideration of the parties' respective positions,

IT IS ORDERED:

- 1) Defendant's motion to file pretrial motions out of time shall be filed on or before December 29, 2023. A copy of the pretrial motion Defendant wishes to file must be attached to any motion to file pretrial motions out of time.
- 2) The time between today and December 29, 2023 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.
- 3) The clerk shall set an internal case management deadline of December 29, 2023 to confirm the anticipated motion was filed or, in the alternative, to set this case for trial.

Dated this 20th day of December, 2023.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge